

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ADT SECURITY SERVICES, INC.,

Plaintiff,

VS.

SECURITY ONE INTERNATIONAL, INC. *et al.*,

Defendants.

Case No.: 11-CV-05149 YGR

ORDER GRANTING MOTION TO SEAL

11 Plaintiff ADT Security Services, Inc., has filed an Administrative Motion to File Under
12 Seal Exhibits H, K and L of the Declaration of David Millstein in Support of Plaintiff's Motion
13 for Contempt. (Dkt. No. 211.) Defendant Security One International, Inc. ("Security One") filed
14 a response in support of the motion. (Dkt. No. 214.)

15 Two very different standards govern motions to seal. *Pintos v. Pac. Creditors Ass'n*, 565
16 F.3d 1106, 1115-16 (9th Cir. 2009) *opinion amended and superseded on denial of reh'g*, 605
17 F.3d 665 (9th Cir. 2010). For most judicial records, the party seeking to seal the record must
18 demonstrate “compelling reasons” that would overcome the public’s right to view public records
19 and documents, including judicial records. *Id. citing Kamakana v. City & County of Honolulu*,
20 447 F.3d 1172, 1178 (9th Cir. 2006). However, a different standard applies to private documents
21 submitted in connection with non-dispositive motions, since such motions are often unrelated or
22 only tangentially related to the merits of the underlying claims. *Id.* at 1180; *Kamakana, supra*,
23 447 F.3d at 1179-80. The Rule 26(c) “good cause” standard applies to documents submitting in
24 connection with non-dispositive motions, such as discovery motions, and the court may seal the
25 documents “to protect a party or person from annoyance, embarrassment, oppression, or undue
26 burden or expense.” *Pintos, supra*, 565 F.3d at 1116.

27 The Court finds this standard is met in connection to sealing the exhibits, solely for
28 purposes of briefing Plaintiff's Motion for Contempt. Here, the parties represent that the

1 documents sought to be sealed contain proprietary information and trade secrets of non-party
2 UTC Fire & Security Americas Corporation, Inc., f/k/a GE Security Inc. (hereinafter "UTC").
3 Counsel for UTC has advised Counsel for Security One that UTC considers these documents
4 "confidential" and that UTC does not want these documents in the public record. Filing the
5 document in the public record would disclose proprietary information, including pricing
6 information of a non-party. Sealing the documents in connection with briefing would not
7 interfere with the public's right of access.

8 However, this Order does not permit any party to file any of the Exhibits under seal in
9 connection with a future proceeding. To the extent any Exhibit is offered at any hearing on the
10 Motion for Contempt, in connection with a future motion, or at trial, any party seeking to seal the
11 document will be required to make a new motion.

12 Therefore, the Motion is **GRANTED**. ADT has permission to file under seal Exhibits H, K
13 and L of the Declaration of David Millstein in Support of Plaintiff's Motion for Contempt.

14 This terminates Dkt. No. 211.

15 **IT IS SO ORDERED.**

16 Dated: June 25, 2013



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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